

1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96-88, title III, §301, title V, §507, 93 Stat. 677, 692, provided for deductions from allotments when preceding allotments have not been expended for the purposes provided in this chapter.

Section 26, acts Feb. 23, 1917, ch. 114, §16, 39 Stat. 936; Ex. Ord. No. 6166, §15, June 10, 1933; 1939 Reorg. Plan No. I, §§201, 204, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96-88, title III, §301, title V, §507, 93 Stat. 677, 692, provided for withholding of allotments and right to appeal withholdings.

Section 27, act Feb. 23, 1917, ch. 114, §17, 39 Stat. 936, provided for State replacement of lost funds and for limitations on use of funds.

**§ 28. Repealed. Pub. L. 104-66, title I, §1041(e), Dec. 21, 1995, 109 Stat. 715**

Section, acts Feb. 23, 1917, ch. 114, §18, 39 Stat. 936; Ex. Ord. No. 6166, §15, June 10, 1933; 1939 Reorg. Plan No. I, §§201, 204, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96-88, title III, §301, title V, §507, 93 Stat. 677, 692, directed Department of Education to report annually to Congress on administration of this chapter, including reports made by State boards and expenditure of money allotted to each State.

**§ 29. Repealed. Pub. L. 86-624, §14(b)(1), July 12, 1960, 74 Stat. 413**

Section, act Mar. 10, 1924, ch. 46, §4, 43 Stat. 18, extended benefits of chapter to Territory of Hawaii.

**EFFECTIVE DATE OF REPEAL**

Section 47(c) of Pub. L. 86-624 provided that: “The amendment made by paragraphs (1) and (2) of subsection (b) and paragraphs (1), (2), and (3) of subsection (d) of section 14 [amending sections 12, 14, and 238 of this title and repealing this section] shall be applicable in the case of fiscal years beginning after June 30, 1960.”

**§§ 30 to 34. Repealed. Pub. L. 90-576, title I, §103, Oct. 16, 1968, 82 Stat. 1091**

Section 30, acts Mar. 3, 1931, ch. 404, §1, 46 Stat. 1489; May 17, 1932, ch. 190, 47 Stat. 158, extended to Puerto Rico the benefits of sections 11-15, 16, and 18-28 of this title.

Section 31, act Mar. 18, 1950, ch. 71, §1, 64 Stat. 27, extended to Virgin Islands the benefits of Vocational Education Act of 1946 (sections 15i to 15m, 15o to 15q, 15aa to 15jj, and 15aaa to 15ggg of this title).

Section 32, act Mar. 18, 1950, ch. 71, §2, 64 Stat. 27; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, authorized distribution of funds to Virgin Islands.

Section 33, act Mar. 18, 1950, ch. 71, §3, 64 Stat. 27; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, set conditions governing use and payment of funds in Virgin Islands.

Section 34, act Aug. 1, 1956, ch. 852, §9, 70 Stat. 909, extended to Guam the benefits of Vocational Education Act of 1946.

**EFFECTIVE DATE OF REPEAL**

Section 103 of Pub. L. 90-576 provided that the repeal is effective July 1, 1969.

**§§ 35 to 35n. Omitted**

**CODIFICATION**

Sections 35, 35 note, and 35a to 35n, which were enacted by Part A of Pub. L. 88-210, §§1-10, 12-17, Dec. 18, 1963, 77 Stat. 403 to 415, to be known as the “Vocational

Education Act of 1963” were omitted in the general reorganization of Pub. L. 88-210 by Pub. L. 90-576, title I, §101, Oct. 16, 1968, 82 Stat. 1064, which redesignated such Part A as title I of Pub. L. 88-210 and, as so redesignated, completely reorganized such title I and authorized its citation as the “Vocational Education Act of 1963”. Such act, as redesignated and reorganized, was classified to section 1241 et seq. of this title.

Section 35, Pub. L. 88-210, §1, Dec. 18, 1963, 77 Stat. 403, set out declaration of policy as to sections 35 to 35n of this title.

Section 35 note, Pub. L. 88-210, §17, Dec. 18, 1963, 77 Stat. 415, named sections 1-17 of Pub. L. 88-210 the “Vocational Education Act of 1963”. See Codification note set out preceding section 2301 of this title.

Section 35a, Pub. L. 88-210, §2, Dec. 18, 1963, 77 Stat. 403, authorized annual appropriations.

Section 35b, Pub. L. 88-210, §3, Dec. 18, 1963, 77 Stat. 403, covered determination of allotment to be made to each State of sums appropriated under section 35a of this title.

Section 35c, Pub. L. 88-210, §4, Dec. 18, 1963, 77 Stat. 405, set out allowable uses for allotments.

Section 35d, Pub. L. 88-210, §5, Dec. 18, 1963, 77 Stat. 405, set out requisite elements of State plan and covered the designation of State board and State advisory council, policy and procedure for allocation of allotment, qualifications of persons under the plan, arrangements with public employment offices, accounting and fiscal control, labor standards, and reports.

Section 35e, Pub. L. 88-210, §6, Dec. 18, 1963, 77 Stat. 407, set conditions for payments to States.

Section 35f, Pub. L. 88-210, §7, Dec. 18, 1963, 77 Stat. 408, provided for application of labor standards under the Davis-Bacon Act (now 40 U.S.C. 3141 to 3144, 3146, and 3147) to construction projects assisted under sections 35 to 35n of this title.

Section 35g, Pub. L. 88-210, §8, Dec. 18, 1963, 77 Stat. 408, defined terms used in sections 35 to 35n of this title.

Section 35h, Pub. L. 88-210, §9, Dec. 18, 1963, 77 Stat. 410, established Advisory Committee on Vocational Education.

Section 35i, Pub. L. 88-210, §10, Dec. 18, 1963, 77 Stat. 410, covered uses of allotments obtained under other statutes.

Section 35j, Pub. L. 88-210, §12, Dec. 18, 1963, 77 Stat. 411, established Advisory Council on Vocational Education.

Section 35k, Pub. L. 88-210, §13, Dec. 18, 1963, 77 Stat. 412, provided for creation and funding of work-study programs.

Section 35l, Pub. L. 88-210, §14, Dec. 18, 1963, 77 Stat. 414, authorized grants for residential vocational education schools.

Section 35m, Pub. L. 88-210, §15, Dec. 18, 1963, 77 Stat. 415, authorized appropriations for work-study and residential schools.

Section 35n, Pub. L. 88-210, §16, Dec. 18, 1963, 77 Stat. 415, prohibited statutory construction authorizing Federal direction, supervision, or controls of programs under sections 35 to 35n of this title.

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#### SUBCHAPTER I—CHARTER PROVISIONS

### § 41. Incorporation of institution

The President, the Vice President, the Chief Justice, and the heads of executive departments are constituted an establishment by the name of the Smithsonian Institution for the increase and diffusion of knowledge among men, and by that name shall be known and have perpetual succession with the powers, limitations, and restrictions hereinafter contained, and no other.

(R.S. § 5579; Feb. 27, 1877, ch. 69, 19 Stat. 253; Mar. 12, 1894, ch. 36, 28 Stat. 41.)

#### CODIFICATION

R.S. § 5579 derived from acts Aug. 10, 1846, ch. 178, § 1, 9 Stat. 102; Mar. 20, 1871, ch. 1, 17 Stat. 1.

R.S. §§ 5579 to 5594 (codified as sections 41 to 46, 48, 50, 51 to 53, 54 to 57, and 67 of this title) constituted Title 73 of the Revised Statutes, entitled “The Smithsonian Institution.” A preamble to these sections was as follows: “James Smithson, esquire, of London, in the kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America, to found, at Washington, under the name of the ‘Smithsonian Institution,’ an establishment for the increase and diffusion of knowledge among men; and the United States having, by an act of Congress, received said property and accepted said trust; therefore, for the faithful execution of said trust, according to the will of the liberal and enlightened donor.”

R.S. § 5579, as originally enacted, constituted the President, the Vice-President, the Secretaries of State, the Treasury, War, and the Navy, the Postmaster-General, the Attorney-General, the Chief Justice, the Commissioner of the Patent Office, and the Governor of the District of Columbia, and such persons as they might elect honorary members, an establishment by the name of the “Smithsonian Institution,” for the purposes and with the powers specified in the section as set forth here.

#### AMENDMENTS

1894—Act Mar. 12, 1894, substituted “the Chief Justice, and heads of executive departments” for “the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney General, the Chief Justice, the Commissioner of Patents, the governor of the District of Columbia, and other such persons as they may elect honorary members”.

1877—Act Feb. 27, 1877, substituted “Patents” for “Patent Office”.

#### SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-72, § 1, Aug. 15, 2003, 117 Stat. 888, provided that: “This Act [enacting section 2531-8 of Title 41, Public Contracts, enacting provisions set out as notes under section 75b of this title and section 3521 of Title 5, Government Organization and Employees, and amending provisions set out as a note under section 50 of this title] may be cited as the ‘Smithsonian Facilities Authorization Act’.”

#### SHORT TITLE OF 1966 AMENDMENT

Pub. L. 89-674, § 1, Oct. 15, 1966, 80 Stat. 953, provided: “That this Act [enacting section 65a of this title and repealing section 65 of this title] may be cited as the ‘National Museum Act of 1966’.”

### § 42. Board of Regents; members

(a) The business of the Institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice President, the Chief Justice of the United States, three Members of the Senate, three Members of the House of Representatives, and nine other persons, other than Members of Congress, two of whom shall be resident in the city of Washington, and seven of whom shall be inhabitants of some State, but no two of them of the same State.

(b) Notwithstanding any other provision of law, the Board of Regents of the Smithsonian Institution may modify the number of members, manner of appointment of members, or tenure of members, of the boards or commissions under the jurisdiction of the Smithsonian Institution, other than—